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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,049	06/26/2001	Joseph Raymond Diehl	8607	1784

27752 7590 04/14/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,049

Applicant(s)

DIEHL ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 02/04/04.

Response to Amendment

The examiner has acknowledged the amended specification, the amended claims 1, 17 – 18, and the cancellation of claims 7 – 8, and 12.

Response to Arguments

Applicant's arguments with respect to claims 1 – 6, 9 – 11, and 13 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 – 2, 4, 6, and 13 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steve Khoury (US 5790034; hereinafter Khoury) in view of Duharme et al (US 5,541,585; hereinafter Duharme).

Regarding claims 1 and 15, Khoury teaches a portable locking system for opening a conventional deadbolt lock of a securing closure (fig. 3; col. 1, lines 45 – 47; claimed a home cabinet to prevent entry into the cabinet) which comprises a portable transmitter (20, figure 2); a door module (50, figure 3; col. 4, lines 5 – 24; the claimed portable receiver); and an attachment mechanism adapted to releasably affix the portable receiver to a surface (79, figure 5; col. 5, lines 37 – 45); and a locking mechanism, wherein the locking mechanism is connected to the receiver (col. 4, lines 5 – 11).

Khoury teaches all the limitations, but fails to specifically teach that the portable transmitter is a proximity indicating signal portable transmitter.

However, Duharme teaches, in the same field of endeavor, a security system for controlling access of a securing closure such as controlled portal which comprises a portable transmitter is a proximity indicating signal portable transmitter (18, fig. 1; paragraph bridging col. 4, line 4 through col. 5, line 43).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a portable transmitter as a proximity indicating signal portable transmitter in Khoury's device as taught by Duharme for the purpose of minimizing the number of false detection by presence detector 14.

Regarding claim 2, Khoury teaches a portable locking system, wherein the portable transmitter emits a signal that includes radio-frequency signals (col. 3, lines 18 - 24).

Regarding claim 4, Khoury teaches a portable locking system, wherein the signal emitted by the portable transmitter is an intermittent signal (col. 1, lines 32 - 34, the signal is transmitted only when one approaches the door).

Regarding claim 6, Khoury teaches a portable locking system, wherein the portable transmitter 20 has four buttons 21-24 to send an electromagnetic signals (col. 3, lines 16 - 22; the claimed manually operated portable transmitter).

Regarding claim 13, Khoury teaches a portable locking system, wherein the attachment mechanism is a two component attachment mechanism comprising a door module (50, figure 3; the claimed receiver mount) and a deadbolt lock (5, figure 5; col. 4, lines 5 - 11; the claimed surface mount).

Regarding claims 14 and 16, Khoury teaches a portable locking system, wherein the receiver mount is releasably affixed to the surface mount and the surface mount is releasably affixed to a surface using an adhesive as an attachment mechanisms (col. 5, lines 41 - 44).

Regarding claim 17, Khoury teaches a method for opening a conventional deadbolt lock of a securing closure (fig. 3; col. 1, lines 45 - 47; claimed entry into a home cabinet by unauthorized individuals), the method comprising the steps of releasably affixing a portable receiver to a surface of the securing closure (col. 5, lines 37 - 45); generating a signal from a portable transmitter (26, figure 2; col. 3, lines 18 -

22); processing the signal through the portable receiver wherein the portable receiver has a locking mechanism connected to the receiver (col. 4, lines 5 – 11 and 25 – 32); and actuating the locking mechanism into a locked or unlocked position (col. 4, lines 33 – 43).

Khoury teaches all the limitations, but fails to specifically teach that the portable transmitter is a proximity indicating signal portable transmitter.

However, Duhamel teaches, in the same field of endeavor, a security system for controlling access of a securing closure such as controlled portal which comprises a portable transmitter is a proximity indicating signal portable transmitter (18, fig. 1; paragraph bridging col. 4, line 4 through col. 5, line 43).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a portable transmitter as a proximity indicating signal portable transmitter in Khoury's device as taught by Duhamel for the purpose of minimizing the number of false detection by presence detector 14.

Regarding claim 18, Khoury teaches a method for controlling the entrance into a lockable structure, wherein the portable receiver is releasably affixed to the surface of the lockable structure using a two component attachment mechanism comprising a receiver mount and a surface mount (5, figure 5; col. 4, lines 5 – 11).

Regarding claims 19 and 20, Khoury teaches a method for controlling the entrance into a lockable structure, wherein the receiver mount is releasably affixed to the surface mount and the surface mount is releasably affixed to the surface of the

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lockable structure, and wherein the attachment mechanism is an adhesive (col. 5, lines 41 - 44).

Claims 3, 5, and 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Steve Khoury (US 5790034; hereinafter Khoury) as applied to claims 1 and 2, above, in view of Zimmer et al (US 3,760,422; hereinafter Zimmer).

Regarding claims 3, 5, and 9 – 10, Khoury teaches all the limitations on claims 2 and 8, but fails to specifically teach that the signal emitted by the portable transmitter is a continuous signal (claim 3); the portable transmitter can emit the signal in a range of from about 1 foot to about 50 feet (claim 5); the locking mechanism is locked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value (claim 9); and the locking mechanism is unlocked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value (claim 10).

However, Zimmer et al teaches, in the same field of endeavor, a remote control system for locking device which comprises a portable transmitter that transmits a continuous signal (col. 1, lines 61 – 67); the portable transmitter can emit the signal in a range of from about 1 foot to about 50 feet (col. 3, lines 46 – 48 and lines 55 – 57); a locking mechanism that is locked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value; and the locking mechanism is unlocked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value (such

limitations are based on the distance of the portable transmitter to the portable receiver (col. 2, lines 3 – 18; col. 3, lines 41 - 67).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a portable transmitter that transmits a continuous signal); a locking mechanism that is locked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value; and the locking mechanism is unlocked when the received signal strength from the proximity indicating signal transmitter increases above a preset receiver threshold value in Khoury's device as evidenced by Zimmer et al because Khoury suggest opening a lock automatically at the appropriate time as one approaches the door, and Zimmer et al further teaches a portable transmitter that transmits a continuous signal to either lock or unlock a portable locking device based on the strength of the signal received by the receiver for the purpose of providing a remote control system which is fully automatic so that if the authorized individual leaves a cash drawer unattended, the locking device will be automatically actuated.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Steve Khoury (US 5790034; hereinafter Khoury) as applied to claim 8, above, and further in view of Geringer et al (US 4634155; hereinafter Geringer).

Regarding claim 11, Khoury teaches all the limitations on claim 8, but fails to specifically teach a portable receiver which further comprises a status indicating mechanism indicating a lock or unlock status of the locking mechanism.

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However, Geringer et al teaches, in the same field of endeavor, a power actuated door locking and monitoring assembly which comprises a status indicating mechanism indicating a lock or unlock status of the locking mechanism (col. 1, lines 22 - 28 and lines 58 - 68).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a status indicating mechanism indicating a lock or unlock status of the locking mechanism in Khoury's device as taught by Geringer et al for the purpose of assuring the integrity of the door locking assembly and increases its monitoring ability.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Charles F. Derheim (US Patent Number 5,568,123) discloses a child protective cabinet alarm.

Dennis A. Batur (US Patent Number 5,280,755) discloses a security cabinet).

Figh et al (US Patent Number 5,392,025) discloses an electronic security system for display cabinets.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

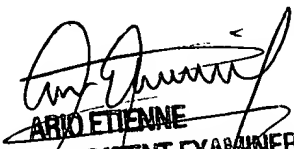
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

Y.D.
April 10, 2004


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